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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Robert L. Hudkins, *et al.*

Confirmation No.: 1416

Application No.: 09/708,233

Group Art Unit: 1624

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Examiner: Bruck Kifle

For: SELECTED DERIVATIVES OF K-252a

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
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The joint owners, **Cephalon, Inc.** and **Kyowa Hakko Kogyo Co., Ltd.**, of a 100 percent undivided interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior **U.S. Patent No. 6,306,849**. The joint owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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(Check either box 1 or 2 below, if appropriate)

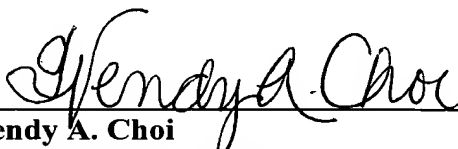
☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

☐ The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

☒ The undersigned is an attorney of record.

Date: **September 30, 2004**


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